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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,844	03/22/2004	Frederick James Diggle III	BEI-0034US	3028
49584	7590	08/22/2005		
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201				
			EXAMINER SAWHNEY, HARGOBIND S	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/805,844		DIGGLE ET AL.	
	Examiner		Art Unit	
	Hargobind S. Sawhney		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities:

Claim 6 has improper dependency, as it depends on itself.

Appropriate correction is required.

Claim 6 of the instant application has been examined considering it being dependent on Claim 4.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 10-12 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lott (US Patent No.: 5,636,918).

Regarding claims 1-3, Lott ('918) discloses an apparatus 7 (Figures 1-3) comprising:

- an elongated molded body 13 having a first aperture – the upper aperture
- receiving an independently powered light 3 (Figures 1-3, column 3, lines 41-48);

- a second aperture – the lower aperture – extending through the body 13, and the second aperture receiving a tool 1 (Figures 1-3, column 3, lines 41-48); and
- the independently powered light being a flashlight 3 (Figures 1-3);
- the body 13 including a lower planar portion (Figure 3).

Regarding claims 10-12, Lott ('918) discloses an apparatus 7 (Figures 1-3) comprising a removable elongated body 13 meeting all limitations in similar manner as detailed above for rejections of claims 1-3.

Regarding claims 18-20, Lott ('918) discloses an apparatus 7 (Figures 1-3) comprising a removable elongated body 13 comprising:

- an elongated molded body 13 having a first retaining means – the upper retaining means - receiving an independently powered light 3 (Figures 1-3, column 3, lines 41-48);
- a second retaining means – the lower retaining means – extending through the body 13, and the second retaining means receiving a tool 1 (Figures 1-3, column 3, lines 41-48); and
- the independently powered light being a flashlight 3 (Figures 1-3);
- the body 13 including a lower planar portion (Figure 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lott (US Patent No.: 5,636,918) in view of Weister (US Patent No.: 5,915,825).

Regarding Claim 8, Lott ('918) discloses an apparatus comprising an elongated molded body having a first aperture receiving an independently powered light; and a second aperture extending through the body receiving a rod attached to an inspection mirror.

However, Lott ('918) does not specifically teach the second aperture further receiving a notch protruding from the rod of the tool.

On the other hand, Weister ('825) discloses an apparatus holding a tool in a second aperture¹² receiving a notch 19 protruding from the tool Figures 8 and 9, column 3, lines 36-47).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Lott ('918) by providing the second aperture with surface configuration as taught by as taught by Weister ('825) for benefit and advantage of secure grip of a tool.

Regarding Claim 16, dependent on Claim 10, Lott ('918) in view of Weister ('825) discloses an apparatus meeting the limitations of Claim 16 in similar manner, as detailed above, applied for the rejection of Claim 8.

6. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lott (US Patent No.: 5,636,918).

Regarding Claim 9, Lot ('918) discloses an apparatus comprising an elongated molded body having a first aperture receiving an independently powered light; and a second aperture extending through the body receiving a rod attached to an inspection mirror. However, Lott ('918) does not specifically teach the tool being a screwdriver, which is basically a rod structure..

It has been held that a recitation with respect to the manner in which a claim apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.

Regarding Claim 17, dependent on Claim 10, Lott ('918) discloses an apparatus meeting the limitations of Claim 17 in similar manner, as detailed above, applied for the rejection of Claim 9.

Allowable Subject Matter

7. Claims 4-7, 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Lott ('918), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an apparatus portable combining:

- a third aperture extending through at least a portion of the length of the elongated molded body as recited in each of dependent claims 4 and 13;

- a second aperture having threads mating with complementary threads of the tool as recited in each of dependent claims 7 and 15;

The above-indicated combination, including a first holding an independently powered light, a second aperture holding a tool, and a third aperture as detailed above, makes this disclosure unique.

Claims 5 and 6 are necessarily objected because of their dependency on the objected base Claim 4.

Claim 14 are necessarily objected because of their dependency on the objected base Claim 13,

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

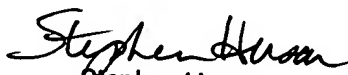
Strauss et al. (U.S. Patent No. 6,851 824 B2), Hanscom et al. (U.S. Patent Application Pub. No. US 2002/0105794 A1), Navid et al. (U.S. Patent Application Pub. No. US 2002/0105797 A1), Lewis et al. (U.S. Patent No. 6,379 020 B1), Reynolds (U.S. Patent No. 6,193,386 B1), Grawemeyer et al. (U.S. Patent No. 6,116,747), Maglica (U.S. Patent No. 5,860,728), Palmer (U.S. Patent No. 5,594,254) and Burdi (U.S. Patent No. 5,144,546)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
8/17/05


Stephen Husar
Primary Examiner